THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. Nos. 21537, 22775 and 22778 of 2005

Common order:

The petitioner is a Daily Wage Conductor with the respondents-APSRTC. For certain cash and ticket irregularities, alleged to have been committed by him while conducting the bus on 04.10.1998, 07.01.1999 and 01.12.1997 on different routes, the Depot Manager, Gajwel-Pregnapur Depot issued three different charge sheets vide office orders dated 29.10.1998, 25.01.1999 and 31.12.1997. The petitioner submitted his explanation thereto on 04.01.1999, 29.01.1998 and 22.01.1998. Upon considering the explanation of the petitioner, the Depot Manager, Gajwel-Pregnapur Depot, vide office orders dated 22.02.1999, 26.02.1998 and 28.01.1998, imposed punishment of postponement of regularization of service of the petitioner for a period of one year, six months and six months respectively. The appeals preferred by the petitioner thereagainst to the Regional Manager, Medak Region, ended in dismissal vide orders dated 24.10.2003, 14.10.2003 and 03.04.1998. Assailing these orders, the petitioner filed the writ petitions.

The learned counsel for the petitioner submitted that the petitioner is a Daily Wage Conductor, and he not being a regular Conductor, the APSRTC Employees (Classification, Control and Appeal) Regulations, 1967, which are applicable to regular employees, are not applicable to the petitioner, and as such, the Depot Manager, Gajwel-Pregnapur Depot, could not have imposed the punishment of postponement of regularization of services on the petitioner, and more so when such a punishment is not provided for in the Regulations. He submitted that the punishment imposed by the Depot Manager, Gajwel-Pregnapur Depot, which was confirmed by the Regional Manager, Medak Region, in appeal, was imposed without conducting any enquiry, and as such, the punishment cannot be sustained, and prayed that the impugned orders be set aside.

The respondents filed counters admitting the fact that the petitioner not being a regular employee does not come within the purview of APSRTC Employees

(Classification, Control and Appeal) Regulations, 1967. The learned Standing Counsel for the respondents reiterating the averments of the counter-affidavits, submitted that the petitioner being a Daily Wage Conductor can be removed at any time without notice. Although the petitioner is a daily wage Conductor, he having committed cash and ticket irregularities, the Depot Manager, Gajwel-Pregnapur Depot, issued charge sheets, and after considering the explanation submitted by the petitioner thereto, imposed the punishment of postponement of regularization for a period of one year, six months and six months, which was even confirmed by the Regional Manager, Medak Region, in appeals, and the petitioner cannot assail the said punishment, and more so when he cannot claim regularization as a matter of right. He thus submitted that no interference is called for with the punishment imposed by the Depot Manager, Gajwel-Pregnapur Depot, as confirmed by the Regional Manager, Medak Region, in appeals, and prayed that the writ petitions be dismissed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

The petitioner admittedly is a Daily Wage Conductor. Though APSRTC Employees (Classification, Control and Appeal) Regulations, 1967 which are applicable to regular employees of the respondents-APSRTC, are not applicable to Daily Wage employees, but that by itself is not a ground for the petitioner to assail the punishment imposed by the Depot Manager, Gajwel-Pregnapur Depot, as confirmed by the Regional Manager, in appeals, and more so when the petitioner being a Daily Wage Conductor, can be removed from service at any point of time without notice. The petitioner being a Daily Wage Conductor can neither place himself on a higher pedestal than a regular employee nor can he claim to have better rights than a regular employee. The nature of charges levelled against the petitioner, namely non-observance of the rule “Issue and Start”, failure to collect fare and issue tickets, possessing Rs.180/- as excess cash, are serious in nature. Had the charges, which are leveled against the petitioner, been leveled against a regular employee, in the event of the charges being proved, he would have been inflicted with the ultimate punishment of removal or dismissal from service. Though the Depot Manager, Gajwel-Pregnapur Depot, before imposing the punishment, had not conducted enquiry, but the fact remains, he had imposed the punishment after following the principles of natural justice, namely after calling for and upon

considering the explanation of the petitioner. The petitioner being a Daily Wage Conductor, considering the nature of charges leveled against him, the Depot Manager, Gajwel-Pregnapur Depot, could have dispensed with his services, but he had taken a lenient and sympathetic view and imposed a lesser punishment of postponement of regularization of services for a period of one year, six months and six months, which was confirmed even in appeal by the Regional Manager, Medak Region, and no interference is called for therewith on the ground that APSRTC (Classification, Control and Appeal) Regulations, 1967 are neither applicable to the petitioner nor they contemplate such a punishment.

For the foregoing reasons, the writ petitions are bereft of any merit, and are accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 13th April, 2006.

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